

## REMARKS AND RESPONSE

The Applicant has supplied a terminal disclaimer along with this communication pursuant to 37 CFR §1.321(c). The rejection of claims 1-6 under the judicially created doctrine of obviousness-type double patenting is therefore moot.

The Applicant has amended claims 8 and 9 to particularly point out and distinctly claim the subject matter that the Applicant regards as his invention. The objection to the drawings is therefore moot. The rejection of claims 8 and 9 under 35 USC §112 is also therefore moot.

The Applicant has amended claims 1, 2, 3, and 7 to particularly point out and distinctly claim the subject matter that the Applicant regards as his invention. These claims are amended to recite the limitation that the solar cell is positioned substantially perpendicular to the pane. Claims 3 and 6 are therefore allowable over Nath et al (USP 5,228,925) as currently amended under 35 USC §102(b) due to the fact that Nath only discloses photo-voltaic devices 14 that are parallel to the panes of glass 12 and 18. Correspondingly, claims 1, 2, 4, 5, and 7 are also allowable over Nath et al (USP 5,228,925) in view of Lee et al (USP 6,337,038) under 35 USC §103(a).

### CONCLUSION

The Applicant respectfully submits that the present application is now placed in a condition for allowance and requests the issuance of a notice of allowance.

If the Examiner believes that a telephone conference would be of value, she is invited to contact the Applicant's Representative, Tyson Winarski, in regards to this paper at (602) 257-5298.

Respectfully Submitted,



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